IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8051 of 2005

Between:

Subba Rami Reddy, S/o.Pedavenkatsubba Reddy,
R/o.Dampur Village, Vidavalur Mandal,
Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore.
2 The Revenue Divisional officer, Kavali, Nellore Division.
3 The Mandal Revenue officer, Vidavalur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order of the 2nd respondent in Rc.J/6422/2004 dt.14-2-05, where under the authorization of the petitioner F.P.shop of Dampur village, Vidavulur Mandal is placed under suspension and further action of the 1st respondent in not passing any orders either on stay petition or on appeal filed by the petitioner as illegal, arbitrary and violative of principles of natural justice and contrary to the provisions of A.P. Public Distribution system (control) order, 2001 and set-aside the order of the 2nd respondent in Rc.J/6422/ 2004 dt.14-2-2005 and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The basic grievance of the petitioner emanates from the fact that the second respondent, having issued a show cause notice to him for cancellation of his authorization as a fair price shop dealer, without waiting for the explanation to be submitted by the petitioner, suspended his authorization. Aggrieved by the same, the petitioner preferred an appeal before the first respondent.

In fact in similar circumstances, this Court took a view that having given a show cause notice as to why the authorization shall not be cancelled or suspended, the appointing authority shall wait till the time given for submitting the explanation by the dealer expires and then only shall pass appropriate orders.

In the instance case also, apparently, the appointing authority passed the impugned order suspending the authorization of the petitioner, pending enquiry, even before the time given for submitting the explanation by the petitioner expired.

However, since an appeal is provided under law, the petitioner availed the said remedy, but the appellate authority did not consider this aspect and no interim orders have been granted.

Having regard to the facts and circumstances of the case, and for the afore mentioned, I feel it a fit case to dispose of the writ petition with a direction to the appellate authority i.e. first respondent to dispose of the appeal preferred by the petitioner as expeditiously as possible preferable within four weeks from the date of receipt of a copy of this order. However, it is made clear that in the meanwhile, the orders of the second respondent dated 14-2-2005 suspending the authorization of the petitioner as fair price shop dealer are hereby suspended. No costs.

12-04-2005

Note:

Issue CC tomorrow

B/0 kvsn

To

1 The Joint Collector, Nellore.

2 The Revenue Divisional officer, Kavali, Nellore Division.

3 The Mandal Revenue officer, Vidavalur Mandal, Nellore District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.